

Members

Sen. Sue Landske, Chairperson  
Sen. Becky Skillman  
Sen. Billie Breaux  
Sen. Allie Craycraft  
Rep. Duane Cheney  
Rep. Thomas Kromkowski  
Rep. Robert Behning  
Rep. Kathy Richardson



## CENSUS DATA ADVISORY COMMITTEE

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Authority: IC 2-5-19

### MEETING MINUTES<sup>1</sup>

Meeting Date: September 17, 2001  
Meeting Time: 10:00 A.M.  
Meeting Place: State House, 200 W. Washington  
St., Room 233  
Meeting City: Indianapolis, Indiana  
Meeting Number: 2

**Members Present:** Sen. Becky Skillman; Rep. Duane Cheney; Rep. Thomas Kromkowski; Rep. Robert Behning; Rep. Kathy Richardson.

**Members Absent:** Sen. Sue Landske, Chairperson; Sen. Billie Breaux; Sen. Allie Craycraft.

#### (1) Call to Order.

The Chair, Senator Landske, was unable to attend the meeting. Before the meeting, Senator Landske telephoned the Legislative Services Agency and asked that Senator Skillman preside at the meeting.

Senator Skillman called the meeting to order at approximately 10:15 a.m.

#### (2) Introduction of Members.

The Committee members present and staff members introduced themselves.

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1. Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.ai.org/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

**(3) Review Preliminary Draft (PD) 3164 Concerning Redistricting Technical Corrections.**

Senator Skillman asked staff to review PD 3164.<sup>2</sup> Staff reported that except for SECTIONS 1 and 3 of the draft, the draft was identical to PD 3027<sup>3</sup> concerning redistricting technical corrections reviewed by the Committee at its previous meeting.

Staff explained that the content of SECTIONS 1 and 3 of PD 3164 were similar to the content of the supplement to PD 3027 reviewed at the August 28 meeting.<sup>4</sup> The only difference is that SECTION 3 directs the Office of Census Data of the Legislative Services Agency to modify the geographic information system that contains the redistricting information not only to correct "geographic slivers" as required by IC 2-1-9-7.5<sup>5</sup>, but also to conform the geographic information system to account for changes required by the "default rules" already contained in the redistricting statute at IC 2-1-9-7.<sup>6</sup> Staff reminded the Committee that the "default rules" were rules for assigning territory to a legislative district that was erroneously unassigned to any district, was assigned to more than one district, or was assigned to a district not contiguous to the territory.

**(4) Review Preliminary Draft (PD) 3162 Concerning Miscellaneous Election Law Changes.**

Senator Skillman asked staff to review PD 3162<sup>7</sup> concerning miscellaneous election law changes. Staff explained that this draft embodied nine of the ten "Legislative Ideas" presented by the staff of the Indiana Election Division at the Committee's August 28 meeting.<sup>8</sup> Staff reviewed the draft by SECTIONS as follows:

SECTIONS 1, 7, and 8 relate to filing campaign finance reports electronically. Under current law, an electronic report is not considered filed until the agency with which the report is filed prints a hard copy of the report. This provision may discourage filing of reports electronically, particularly close to a deadline because while a report may be transmitted and received electronically before the deadline, the administrative agency might not be able to print the report until after the deadline with the result that the report is considered delinquent. The proposed change in the law would provide that an electronically filed report is considered filed on the date and at the time the report is electronically time-stamped. The Election Division has the capability and the draft would require a county election board to have the capability to time-stamp a report electronically before the board could accept electronically filed reports.

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2. A copy of PD 3164 is Exhibit 1 to these Minutes
  3. See Exhibit 3 to the Minutes of the Committee's August 28, 2001 meeting.
  4. See Exhibit 4 to the Minutes of the Committee's August 28, 2001 meeting.
  5. See SECTION 1 of PD 3164.
  6. This statute was enacted by P.L.212-2001 (HEA 1776-2001).
  7. A copy of PD 3162 is Exhibit 2 to these Minutes.
  8. See Exhibit 5 to the Minutes of the Committee's August 28, 2001 meeting.

SECTIONS 2 and 3 of the draft relate to the number of signatures required on petitions by candidates for President of the United States, United States Senator, and Governor to qualify for the primary election ballot. Under current law, a potential candidate must obtain 5,000 signatures statewide and not fewer than 500 signatures must be from each Indiana congressional district to qualify. The latter provision is obviously tied to the fact that Indiana currently has ten congressional seats.

Staff explained that the draft illustrates one approach to modifying these statutes to reflect Indiana's loss of a congressional seat after the 2000 Census. That approach would reduce the total number of signatures to be equal to the total number of congressional seats allocated to Indiana multiplied by the minimum number of signatures required to be obtained in each congressional district. The draft therefore reduces the total number of signatures required to 4,500.

Staff suggested that the statutes would still work if left unamended because it would still be mathematically possible for a candidate to obtain a total of 5,000 signatures statewide with at least 500 signatures in each congressional district.

Representative Behning suggested that the statute would be even simpler if a decision were made how many signatures should be required in each congressional district and eliminate the language prescribing the total number of signatures required statewide.

SECTION 4 of the draft amends a section of the voter registration law enacted during the 2001 Session that requires an individual to provide the individual's driver's license number or state identification card number at the time the individual registers to vote. It was contemplated at the time the provision was enacted that if an individual did not have either of these two numbers, the individual would be required to provide the last four digits of the individual's Social Security Number. However, this default provision stated that the individual "may" provide the last four digits of the individual's Social Security Number if the individual did not have either of the other two numbers at the time of registration. This rendering leaving the impression, contrary to what was contemplated by legislators, that it was within the discretion of the individual seeking to register to vote whether to provide the last four digits of the individual's Social Security Number if the individual did not have either of the other numbers. The draft proposes striking "may" on page 2, line 31 and replacing it with "must".

Representative Kromkowski asked if this change affected those provisions enacted during the 2001 Session that required precinct election officers to request a voter for whom a voter identification number was not on file to provide one when the voter signs in at the polls. Representative Kromkowski reminded the Committee that it was everyone's intent during the previous session that providing a voter identification number at the time an individual voted was to be optional; a voter would not be prevented from voting if the voter refused or was unable to provide a voter identification number at the polls. Staff responded that the change in the draft did not alter the provisions to which Representative Kromkowski alluded.

SECTION 5 of the draft removes some confusing language from the statute that provides for the filing of a statement of organization by a political committee. Mr. Dale Simmons, Co-General Counsel of the Indiana Election Division, explained that the change in the statute was meant to clarify the requirements for filing statements of organizations by political action committees so that the filing was tied to the event that is legally more relevant, namely the date on which the committee receives or spends money at a level at which Indiana law requires a committee to file various campaign finance reports.

SECTION 6 of the draft removes inconsistent language in the statute that permits the Indiana Election Commission and county election boards to administratively disband a political committee. The statute permits an administrative dissolution of a committee if the relevant board determines that the dissolution will not impair any person's ability to collect a debt or judgment. Another part of the same statute appears to also require a finding that the committee owes no debts. The draft proposes to remove the latter requirement.

SECTIONS 9 and 10 of the draft change provisions for the distribution of money from the Voting System Improvement Fund and the Voting System Education Fund established during the 2001 Session. Under current law, the state is required to reimburse counties 50% of the cost of acquisition of new voting systems or the development and implementation of voter education programs. The draft proposes to change the statute so that the state would reimburse "not more than" 50% of these expenses.

Senator Skillman recognized Travis Worl, representing the Association of Indiana Counties, who presented a contrary view on this point and submitted a memorandum stating the Association's position.<sup>9</sup> Mr. Worl stated that the Association opposed this change because the state would be significantly diminishing the commitment made during the 2001 Session to the modernization of voting systems. Mr. Worl also stated that the Association would urge the General Assembly to remove language from the 2001 legislation that made payments from either fund subject to the availability of money in the fund.

Representative Cheney noted that his county is finding it necessary to expand its jail and that the county is finding it necessary to lay off employees and cut other expenses to finance the project and to pay to staff it. He said that the county would find it impossible to comply with a state mandate to improve voting systems while the state was also cutting the burden it was willing to bear. Representative Cheney asked whether there was any provision for a county to raise money outside the levy to pay for such expenses.

Staff informed the Committee of the provisions of IC 3-11-6 which permits a county to establish a cumulative fund to provide funds for the purchase of voting systems. Representative Cheney responded that he believed that the funds provided to such a fund would still be within the levy limits. He stated that a county would need to be able to raise funds outside of the levy. Another Committee member suggested that if the change proposed by the Election Division is accepted, perhaps the law could also permit a county to make up any difference between the state reimbursement and the county's costs to acquire a new voting system outside the levy.

Senator Skillman expressed reservations about the proposal in the draft, saying that as a legislator involved in the voting system legislation from the 2001 Session, she believes that the General Assembly made a commitment to modernize voting systems and she did not wish to act in a way that signaled a retreat from that commitment.

SECTION 11 of the draft removes language from a statute relating to voting absentee ballots before an absentee voter board that is inconsistent with other language in the statute.

SECTIONS 12 through 14 amend statutes relating to filling ballot vacancies. Staff explained that during the 2001 Session, the General Assembly amended several statutes to change deadlines for taking certain actions relating to filling ballot vacancies to make

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9. A copy of Mr. Worl's memorandum is Exhibit 3 to these Minutes.

the deadlines as uniform as possible. During the initial stages of the legislative process, the deadlines were set to be June 30. Later during the legislative process the deadlines were moved back to July 15. However, some of the statutes were not changed because it was thought keeping the earlier deadlines for certain actions would not cause a problem. It has since been discovered that in cases of political parties that choose nominees by convention, the deadline for filling candidate vacancies could occur before the deadline for holding the convention. The draft would move all of the June 30 deadlines back to July 15.

SECTION 15 of the draft amends a statute in local government law relating to determining the political affiliation of members and appointees of local boards and commissions to be consistent with a statute relating to the determination of the political affiliation of candidates in primary elections. Senator Skillman suggested that the amendment to this statute would be clearer if the words "one (1)" on page 10, line 5 of the draft were changed to "any". The Committee directed staff to make this change in the next version of the draft.

**(5) Preview Preliminary Draft (PD) 3165 Concerning Census Data Update - References to "Congressional District".**

Senator Skillman asked staff to review PD 3165<sup>10</sup> concerning the census data update project. Staff told the Committee that this draft incorporates a small part of the large project to update Indiana statutes to reflect changes resulting from the 2000 Census.

Staff explained that there are several statutes establishing a body whose membership is related by number or geography to the number or configuration of Indiana congressional districts. There are other statutes where the number or distribution of permits or programs depends upon the number or configuration of Indiana congressional districts. Because of the 2000 Census results, Indiana will lose a congressional seat. Consequently, statutes that are somehow related to the number of congressional seats could be affected.

Forty-six Indiana Code sections that contain the term "congressional district" have been identified. In many of these sections, the reference to the number of congressional districts is general enough that amendment is unnecessary to accommodate a reduction in the number of Indiana congressional districts.

Staff then turned to explaining PD 3165. Staff told the Committee that there were at least two approaches to amending the statutes to account for the loss of a congressional seat. The first approach would be to reduce the membership of a body or adjust the number or distribution of permits or grants to reflect the reduction in Indiana congressional districts from ten to nine. The second approach would be to adjust the statutes so that no change occurs to the size of a body or the number of permits or grants. Staff told the Committee that PD 3165 reflected the latter approach. Representative Kromkowski said he favored this approach because it would preserve the status quo.

Staff discussed the draft as follows:

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10. A copy of PD 3165 is Exhibit 4 to these Minutes.

SECTION 1 amends IC 2-5-16-3 relating to the creation of the Probate Code Study Commission. The draft amends the statute so that the number of members appointed by the Governor remains at ten.

SECTION 2 amends IC 4-23-24.1-3 relating to the creation of the Dr. Martin Luther King Jr. Holiday Commission. The draft amends the statute so that the number of members appointed by the Governor remains at ten.

SECTION 3 amends IC 7.1-3-22-1 which provides a cap on the number of brewer's permits that may be issued. Staff explained that the statute limits the number of permits that may be issued statewide in the following two ways: First, the statute provides one permit for each unit of population of 175,000. Using the results of the 2000 Census, the statute would limit the number of permits to not more than 35 statewide. Second, the permits must be issued so not more than four permits may be in any congressional district.

Staff told the Committee that PD 3165 amends this statute to remove the limitation on the number of permits that may be issued in each congressional district. Staff explained that the draft suggests this amendment only to illustrate an ambiguity that must be clarified before the Committee can decide how this statute should be amended, if at all. Staff has been unable to determine how many brewer's permits exist in the state and where the permit holder is located. It is possible that one or more Indiana congressional districts would have more than four permits under the new configuration of congressional districts following the 2000 Census. Staff must determine from the Alcohol and Tobacco Commission how many brewer's permits have been issued statewide and where they are located.

Staff noted that IC 7.1-3-22-1 was first enacted in 1973 and was amended only in 1993. The statute was not amended following the 1980 Census when Indiana also lost a Congressional seat.

Representative Behning suggested that a representative of the Commission be invited to appear at the next Committee meeting to provide a recommendation as to how the Committee should deal with this statute. Senator Skillman observed that perhaps it would be wise to inform all the state agencies affect by the draft what the tentative recommendation for amending their respective statutes is so that they could respond if necessary. The Committee directed staff to write to each of the affected agencies and the Governor's legislative liaison to provide notice that the Committee is working on these statutes and to solicit comment.

SECTION 4 of the draft amends IC 8-1-1.1-7 creating the advisory council to the office of the utility consumer counselor. The draft takes the general approach discussed above, maintaining the number of council members at ten and providing that each congressional district must be represented by at least one council member.

SECTION 5 amends IC 10-7-2-1 which creates the Indiana War Memorials Commission. The draft takes the general approach discussed above.

SECTION 6 amends IC 10-7-2-2 which also relates to the War Memorials Commission. The draft proposes to remove language providing for an adjustment in the Commission's membership if the number of Indiana's seats in Congress increases. Staff suggested removing this language because the number of congressional seats allocated to Indiana will change only after a decennial census; if Indiana should be fortunate to acquire an additional seat after a census, the War Memorials Commission statute can be adjusted at that time.

SECTION 7 amends IC 10-9-2-2 which establishes the Indiana Emergency Management, Fire and Building Services, and Public Safety Training Foundation. The draft takes the general approach discussed above.

SECTION 8 amends IC 14-12-2-14 which establishes the Indiana Heritage Trust Project Committee. The draft takes the general approach discussed above.

SECTION 9 amends IC 20-1-18.3-6 which establishes the Indiana Commission on Vocational and Technical Education. The draft takes the general approach discussed above.

SECTION 10 amends IC 20-10.1-27-11 relating to the Anti-Gang Counseling Pilot Program Fund. The statute provides that the Department of Education may approve not more than three pilot projects from each congressional district. The draft proposes to remove the limitation on the number of pilot projects until staff can determine for the Committee how many projects have been approved and where those projects are located. Staff will also solicit a recommendation for amendment to the statute from the Department of Education if an amendment is necessary.

SECTION 11 amends IC 25-34.1-2-1 which establishes the Indiana Real Estate Commission. The draft takes the general approach discussed above.

Staff noted that while the draft preserves the number of board or commission members at the pre-2000 Census numbers the draft does not solve a problem that still could occur if the reconfiguration of Indiana congressional districts leaves a particular board with one or more congressional districts without a board member to represent it. Representative Behning commented that he supports the approach of the draft by maintaining the number of board and commission members affected by the reduction in the number of Indiana congressional seats. Representative Behning suggested that if a particular board or commission is not properly balanced by congressional district, current members be permitted to serve out their terms nonetheless and the Governor be directed to correct any imbalance as vacancies occur.

**(6) Public Testimony.**

No members of the audience wished to provide additional information.

**(7) Select next meeting Date.**

Senator Skillman tentatively scheduled the next meeting for Monday, October 15 at 10:00 a.m., subject to the approval of the Chair. At that meeting, the Committee would obtain additional information regarding census matters discussed today and review suggested changes in other statutes relating to population parameters.

**(8) Adjournment.**

Senator Skillman adjourned the meeting at approximately 11:15 a.m.